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PATENT

Our Docket: P-1X 3358

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15  
4/25/01

In re application of:

Huse and Wu

Serial No.: 09/339,922

Filed: June 24, 1999

For: ANTI- $\alpha_v\beta_3$  RECOMBINANT  
HUMAN ANTIBODIES,  
NUCLEIC ACIDS ENCODING  
SAME AND METHODS OF USE

) Group Art Unit: 1644

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) Examiner: P. Gambel

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I hereby certify that this correspondence is being  
deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231,  
on April 13, 2001.

By

*Deborah L. Cadena*

Deborah L. Cadena, Reg. No. 44,048

April 13, 2001

Date of Signature

Commissioner for Patents  
Washington, D.C. 20231  
Sir:

RESPONSE TO OFFICE ACTION

Responsive to the Restriction Requirement mailed  
December 14, 2000, consideration of the following remarks is  
respectfully requested.

The Office Action alleges that the application is  
directed to two distinct and independent inventions. Provided  
below are the two inventions set forth in the Restriction  
Requirement.

Group I: Claims 1-20 and 25-33, drawn to  
LM609-specific antibodies and fragments  
thereof and nucleic acids encoding the  
antibodies and fragments; and

Inventors: Huse and Wu  
Serial No.: 09/339,922  
Filed: June 24, 1999  
Page 2

Group II: Claims 21-24, drawn to a method of inhibiting a function of  $\alpha_v\beta_3$  with LM609-specific antibodies.

Election of one of the inventions is required under 35 U.S.C. § 121. Although the restriction requirement is traversed for the reasons discussed below, Applicants elect the claims set forth in Group I, claims 1-20 and 25-33, for examination.

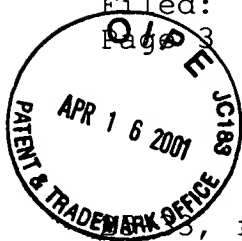
Applicants respectfully submit that examination of the claims of Group I with the claims of Group II, claims 21-24 together, would not present an undue burden upon the Examiner. Applicants submit that a thorough examination of the claims of Group I, which are directed to enhanced LM609 grafted antibodies exhibiting selective binding affinity to  $\alpha_v\beta_3$ , will include an examination of the claims of Group II, which are directed to methods of inhibiting a function of  $\alpha_v\beta_3$  using the enhanced LM609 grafted antibodies of Group I. Accordingly, a search of the claims of Group I will, of necessity, reveal information relevant to the examination of the claims of Group II. Therefore, thorough examination of the claims of Group I will encompass examination of subject matter relevant to the claims of Group II, with limited additional subject matter required for the examination of these claims. For these reasons, Applicants respectfully submit that examining these claims together would not present an undue burden upon the Examiner and request examination of the claims of Group I together with the claims of Group II.

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Serial No.: 09/339,922  
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APR 23 2001

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Page 3

Applicants elect the claims of Group I, claims 1-20 and  
3, for examination but respectfully request the Examiner  
examine the claims of Group II, claims 21-24, together. The  
Examiner is invited to call the undersigned agent or Cathryn  
Campbell if there are any questions.

Respectfully submitted,

April 13, 2001

Date

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